

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**NIPPON SHINYAKU CO., LTD.,**  
*Plaintiff-Appellant*

v.

**SAREPTA THERAPEUTICS, INC.,**  
*Defendant-Appellee*

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2021-2369

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Appeal from the United States District Court for the District of Delaware in No. 1:21-cv-01015-LPS, Judge Leonard P Stark.

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**ON PETITION FOR PANEL REHEARING AND  
REHEARING EN BANC**

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Before MOORE, *Chief Judge*, NEWMAN, LOURIE, DYK, PROST, REYNA, TARANTO, CHEN, HUGHES, STOLL, and CUNNINGHAM, *Circuit Judges*.\*

PER CURIAM.

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\* Circuit Judge Stark did not participate.

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**O R D E R**

Sarepta Therapeutics, Inc. filed a combined petition for panel rehearing and rehearing en banc. A response to the petition was invited by the court and filed by Nippon Shinyaku Co., Ltd. The petition was referred to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue May 10, 2022.

FOR THE COURT

May 3, 2022

Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court